

This Instrument was prepared by:
William F. Travis MS BAR# 8267
Attorney at Law
8619 Hwy 51 N
Southaven, MS 38671
662-393-9292
(Lot 67, Section 21, Township 2 South, Range 6 West
Plat Book 96, Page 26)

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, on the 2nd day of February, 2006 THE BETTER HOMES CO., LLC executed a Deed of Trust to Greg Wingo as Trustee, a certain Deed of Trust recorded in Book 2,409, Page 366 in the office of the Chancery Clerk of DeSoto County, State of Mississippi, said deed of trust conveying in trust the hereinafter described property; and

WHEREAS, **FIRST CAPITAL BANK** has heretofore substituted John B. Philip as Trustee in place and in lieu of Greg Wingo by instrument dated April 8, 2009, and recorded in the aforesaid Chancery Clerk's Office in Book 3,018, Page 448; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby having been declared to be due and payable in accordance with the terms of the deed of trust, **FIRST CAPITAL BANK**, the legal holder of said indebtedness, having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust and for the purpose of raising the sums due thereunder, together with attorney's fees and expense of sale; and

WHEREAS, the undersigned Substituted Trustee in accordance with the terms of the deed of trust and the laws of the State of Mississippi did advertise said sale in the DeSoto County News, a newspaper published in the City of Hernando, State of Mississippi, on the following dates, to wit: June 16, June 23, June 30 and July 7, 2009, which is more fully shown by the original Proof of Publication, which is attached hereto as Exhibit "A" and made a part hereof as if copied in full herein, and by posting on the 15th day of June, 2009, said Notice on the Bulletin Board of the Courthouse of DeSoto County, State of Mississippi; and

WHEREAS, on the 14th day of July, 2009 at the front steps of the DeSoto County Courthouse at Hernando, Mississippi, between the hours of 11:00 a.m. and 4:00 p.m., I, the undersigned Substituted Trustee, did offer for sale at public outcry and did sell to the highest bidder for cash the following described land and property situated in DeSoto County, Mississippi, to wit:

Lot 67, Creekside Estates, in Section 21, Township 2 South, Range 6 West, DeSoto County, Mississippi, as per Plat thereof in Plat Book 96, Page 26 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

This being the same property described by deed of record in Book 521, Page 118, in the Office of the Chancery Clerk of DeSoto County, Tennessee.

Parcel No. 2065-2105-0-00067.00

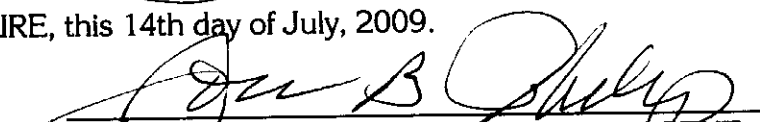
WHEREAS, the undersigned Substituted Trustee offered the aforesaid property for sale at public outcry as set forth above, and there appeared at said sale as agent for **FIRST CAPITAL BANK**, bidding the sum of \$197,175.48 for all of the above described property, and said bidder was declared the purchaser thereof.

NOW THEREFORE, in consideration of the premises and the sum of \$197,175.48, cash in hand paid, the receipt of which is hereby acknowledged, JOHN B. PHILIP, SUBSTITUTE TRUSTEE, does hereby sell and convey to FIRST CAPITAL BANK, the above described property, conveying only such title as in vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this 14th day of July, 2009.


JOHN B. PHILIP, SUBSTITUTE TRUSTEE

WITNESS MY SIGNATURE, this 14th day of July, 2009.


JOHN B. PHILIP, AS AUCTIONEER AND AGENT

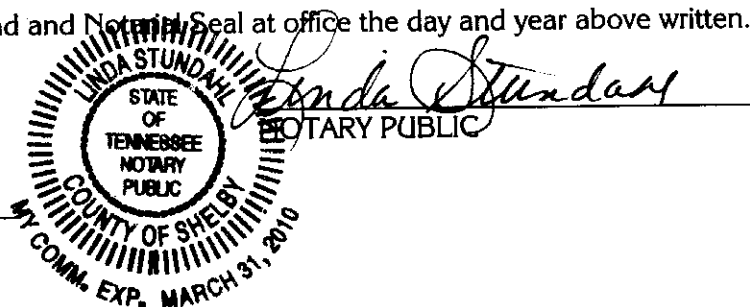
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for the State of Tennessee and County of Shelby, duly commissioned and qualified, personally appeared John B. Philip, Substitute Trustee in the above and foregoing instrument of writing, who acknowledged to me that he, as said Substitute Trustee, signed and delivered the above and foregoing instrument of writing on the 14th day of July, 2009 and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notary Seal at office the day and year above written.

My Commission Expires:

03-31-2010



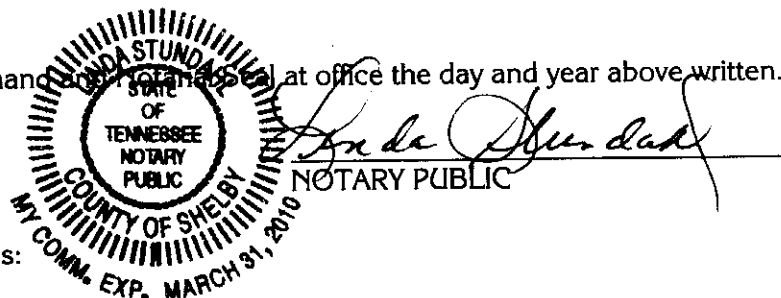
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for the State of Tennessee and County of Shelby, duly commissioned and qualified, personally appeared John B. Philip, Auctioneer, in the above and foregoing instrument of writing, who acknowledged to me that he, as the auctioneer and duly authorized agent of said Substitute Trustee, signed and delivered the above and foregoing instrument of writing on the 14th day of July, 2009 and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notary Seal at office the day and year above written.

My Commission Expires:

03-31-2010



<p>GRANTOR: John B. Philip, Substitute Trustee Crislip, Philip & Associates Attorneys at Law 4515 Poplar Avenue, Suite 322 Memphis, TN 38117 Phone No. 901-525-2427</p>	<p>GRANTEE: FIRST CAPITAL BANK 5240 Poplar Avenue Memphis, TN 38119 Phone No. 901-684-0670</p>	<p>This Instrument was prepared by: William F. Travis MS BAR# 8267 Attorney at Law 8619 Hwy 51 N Southaven, MS 38671 662-393-9292</p>
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Return to:

Crislip, Philip & Associates
Attorneys at Law
4515 Poplar Avenue, Suite 322
Memphis, TN 38117
Phone No. 901-525-2427

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DESOTO TIMES-TRIBUNE

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County an State and states on oath that she is the **CLERK** of the DeSoto Times-Tribune, a newspa published in the town of Hernando, State and County aforesaid, and having a general cir tion in said county, and that the publication of the notice, a copy of which is hereto attach has been made in said paper 4 consecutive times, as follows, to-wit:

Substitute Trustee's Sale

Whereas, on February 2, 2006, The Better Homes Co., LLC executed a Deed of Trust to Greg Wingo, Trustee for the use and benefit of First Capital Bank, which Deed of Trust is on file and of record in the office of the Chancery Court Clerk of DeSoto County, Mississippi, in Book 2,408, Page 386 thereof; and

Whereas, the legal holder of the said Deed of Trust and the note secured thereby, substituted John B. Philip as Trustee therein, as authorized by the terms thereof, by instrument recorded in the office of the aforesaid Chancery Court Clerk as Instrument No. 3,018, Page 448 thereof; and

Whereas, default having been made in the performance of the conditions and stipulations as set forth by said Deed of Trust, and having been requested by the legal holder of the indebtedness secured and described by said Deed of Trust so to do, notice is hereby given that I, John B. Philip, Substituted Trustee, by virtue of the authority conferred upon me in said Deed of Trust, will offer for sale and will sell at public sale and outcry to the highest and best bidder for cash, during the legal hours, at the front door of the County Courthouse of DeSoto County, Mississippi, on the 14th day of July, 2009 at 11:00 a.m., the following described land and property being the same land and property described in said Deed of Trust in DeSoto County, State of Mississippi, to wit:

Property Address: Lot 67, Creekside Estates Subdivision, DeSoto County

(Property Description)

Lot 67, Creekside Estates, located in Section 21, Township 2 South, Range 6 West, DeSoto County, Mississippi, as per Plat thereof recorded in Plat Book 96, Page 28 in the office of the Chancery Clerk of DeSoto County, Mississippi.

Parcel No. 2085-2105.0-00067.00

OTHER INTERESTED PARTIES: None

Volume No. 114 on the 16 day of June, 2009
Volume No. 114 on the 23 day of June, 2009
Volume No. 114 on the 30 day of June, 2009
Volume No. 114 on the 7 day of July, 2009
Volume No. _____ on the _____ day of _____, 2009
Volume No. _____ on the _____ day of _____, 2009

Diane Smith

Sworn to and subscribed before me, this 7 day of July, 2009

BY Judy H. Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2013
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 507 words @ .12 \$ 60.84
B. 3 subsequent insertions of 1521 words @ .10 \$ 152.10
C. Making proof of publication and deposing to same \$ 3.00
TOTAL PUBLISHER'S FEE: \$ 215.94



Should the undersigned become the last and highest bidder at the foreclosure sale, the Substituted Trustee is hereby authorized to transfer and assign said bid and to convey title to said foreclosed property to the Secretary of Veterans Affairs, an Officer of the United States of America, or the Secretary of Housing and Urban Development, an Officer of the United States of America, or whomever the undersigned shall authorize. The statement in the Substituted Trustee's Deed that the undersigned has requested transfer of its bid to grantee(s) in the Substituted Trustee's Deed shall be binding on the undersigned and conclusive evidence in favor of the assignee or other parties thereto and that the Substituted Trustee is duly authorized and empowered to execute same.

Title to the above referenced property is believed to be good, but I will convey only such title as vested in me as substituted Trustee

Witness my signature, on this the 12th day of June, 2009.

/s/ John B. Philip
John B. Philip, Substituted Trustee

Crislip, Philip & Associates
By: John B. Philip, Attorney
CRISLIP, PHILIP & ASSOCIATES

4515 Poplar Ave., Ste 322
Memphis, TN 38117 (901) 525-2427

PUBLICATION DATES: June 16, June 23, June 30 and July 7, 2009

Hwy. 51 South, Hernando, MS 38632 • 662.429.6397 • Fax: 662.429.5229